

IN THE U.S. DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIABernie E. Barnes
Petitioner

C.A. No. 05-100-ERIE

v.
Marilyn Brooks
RespondentMotion For Extension Of Time
To File Answer To D.A. Of ERIE
Response To Petitioner's Writ Of Habeas
CORPUS

To The Honorable Judges Of The Above Court

Bernie E. Barnes, by legal Assistant Ronald Chavis, motions this court for a 60 day extension of time to file his cross-answer to D.A. of Erie County's Response to petitioners Writ of Habeas Corpus Received by this petitioner on 8/3/05. And states the following good cause in support of:

(1) Petitioner was originally assisted by an inmate who prepared preliminary filings to this court in this case and child care custody case adjudicated by this court in its order dated July 25, 05. This legal assistant advised the court that inmate providing assistance had since been transferred from this facility and released. This deprived the petitioner of assistance he was receiving and also certain documents of petitioner which inmate had in his possession upon hearing.

(2) Because this legal assistant is just viewing the particulars of this case and also need this court to order Court Reporter to produce copy of Jury's summation of their findings on the charges they were considering for purposes of his Appeal and Answer to D.A. of Erie County's Response, this legal assistant seeks the following in petitioner's behalf as noted on the attached immediate relief and considerations sought.

8/4/05

Page (1) x *Bernie Barnes* Ronald Chavis
Legal Assistant

IN THE U.S. DISTRICT COURT

FOR THE WESTERN DISTRICT OF PENNSYLVANIA

Continuation of page (1) of petitioners Motion for Extension of time.

IMMEDIATE RELIEF AND CONSIDERATIONS SOUGHT.

I

(1) That the D.A. OF Erie County be ordered to furnish this petitioner a copy of the transcription of sentencing proceedings from first trial under jurisdiction of the Honorable Judge Cunningham, President Judge of the Erie County Court of Common Pleas, which this Subsequent trial And Resulting Conviction is at issue in now CA. NO. 65-100 ERIE. And that the Summation of Jury empaneled in that case be prepared and presented to this petitioner. Said Summation of Report to include a copy of Signed Jury Verdict form by each and every Juror out of the Official Court Clerks file as prepared Verbatim by Court Reporter present in proceedings. Verified as the Official Abstract of Jury Verdict proceedings through Court Dated Mechanisms, And Signed and Attested to by first trial Judge CUNNINGHAM. And that this Court Order D.A. OF Erie County or the Erie County Court Reporter For the Common Pleas Court to produce and provide Said Documents to plaintiff petitioner As Ap.

(2) That This court grant petitioner 60 Day extension of Time to file Response in the interest of Justice and for Good cause shown. * (See attached Supplement for Motion for Appointment of Counsel).

Certificate Of Service

Bennie Barnes, by legal Assistant Ronald Chavis did serve a copy of his Motion For extension Of time on the Below listed Parties via U.S. Postal Service first class mail. And states all information is true and correct under penalty of US.C. 28 § 1746.

D.A. OF Erie
Erie County Courthouse
140 West 8th St.
ERIE, PA 16475-0004

U.S. District Court Clerk
Judge Sean J. McLaughlin
U.S. Courthouse, Room A250
17 South Park Row
Erie, Pa 16501

Ronald Chavis
Legal Assistant
for Bennie E. Barnes

8/4/05

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X Bennie Barnes